

PTO/SB/21 (09-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/900,964	
	Filing Date	July 25, 1997	
	First Named Inventor	Cappels, Richard D.	
	Art Unit	2673	
	Examiner Name	Nguyen, Jimmy H.	
Total Number of Pages in This Submission	35	Attorney Docket Number	P2106/757

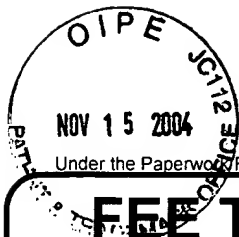
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Simon & Koerner LLP		
Signature	<i>Nancy R. Simon</i>		
Printed name	Nancy R. Simon		
Date	November 10, 2004	Reg. No.	36,930

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Typed or printed name	Nancy R. Simon	Date	November 10, 2004

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PTO/SB/17 (10-04v2)

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FEE TRANSMITTAL**for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 340.00**Complete if Known**

Application Number	08/900,964
Filing Date	July 25, 1997
First Named Inventor	Cappels, Richard D.
Examiner Name	Nguyen, Jimmy H.
Art Unit	2673
Attorney Docket No.	P2106/757

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

50-1443

Deposit Account Name

Simon & Koerner LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	340.00
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 340.00**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)

Nancy R. Simon

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(Attorney/Agent)

36,930

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Signature

Nancy R. Simon

Date

November 10, 2004

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AF #
/ IAW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANT: Richard D. Cappelis

SERIAL NO: 08/900,964

FILING DATE: July 25, 1997

TITLE: System And Method For Generating High-Luminance Windows On A Computer Display Device

EXAMINER: Jimmy H. Nguyen

ART UNIT: 2673

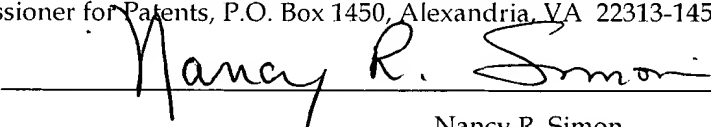
ATTORNEY DKT: P2106/757

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This appeal is from the office action dated April 7, 2004 finally rejecting claims 26-45, which are reproduced as an Appendix to this brief. Please charge any fees necessary for prosecution of the present application to deposit account no. 50-1443.

<p style="text-align: center;">CERTIFICATE OF MAILING 37 C.F.R. 1.8</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope with sufficient postage addressed to: Mail Stop Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 10, 2004.</p> <p style="text-align: center;"> _____ Nancy R. Simon</p>
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REAL PARTY IN INTEREST

The real party in interest is the assignee, Apple Computer, Inc., located in Cupertino, California.

RELATED APPEALS AND INTERFERENCES

In the present application, Applicant filed a first Notice of Appeal on October 19, 2000. The Appeal number for this earlier appeal is 2002-1304. The Board of Patent Appeals and Interferences mailed its Decision On Appeal on April 15, 2003, which is included in the Appendix.

STATUS OF CLAIMS

Claims 1-25 have been cancelled. Claims 26-45 stand finally rejected by the Examiner. Applicant appeals the final rejection of claims 26-45.

STATUS OF AMENDMENTS

An Amendment After Final Action was filed on June 7, 2004. The Amendment requested reconsideration of the application and did not amend any claims. The Examiner maintained the claim rejections in an Advisory Action.

SUMMARY OF CLAIMED SUBJECT MATTER

With respect to independent claims 26, 36, 43, and 45, a host computer (210) runs an application program (228) and an operating system (230) using a processor (212) and a display (110) (see FIG. 2 and page 10, lines 1-4). The processor (212) automatically generates a window control signal (control signals 316 in FIG. 3) in response to the application program (228) (page 11, line 17 through page 12, line 9). A window generator (326; see also FIG. 5) receives the window control signal and generates a window information signal, which includes the window pulse on line 330 (page 12, lines 10-19). A display control device (318) receives the window information signal (included in analog window signal on line 336) and a video signal (310) and processes the video signal based on the window information signal to provide a processed video signal (via line 319) to a display (110).

A display (110) may include a cathode ray tube (322), a high voltage power supply (320), and an automatic beam limiter (332) (claims 29-33, 38-40). The display control device 318 includes a video amplifier. The limiter (332) is connected between the window generator (326) and the display control device (318). The limiter device (332) samples the signal generated by the high voltage power supply (320) to determine when to limit the high voltage signal (line 324) supplied to CRT (322). To limit the signal supplied to the cathode ray tube (322), the automatic beam limiter (332) provides an analog window signal (line 336) to the gain control of the video amplifier (318) (page 12, line 17 to page 10; see also FIG. 7).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(1) Whether claims 26-28, 34-37, and 41-45 are anticipated by United States Patent 5,978,041 by Masuda et al. (hereinafter "Masuda").

(2) Whether claims 29-33 and 38-40 are obvious in view of Masuda in view of United States Patent 5,204,748 by Lagoni.

ARGUMENTS

(1) *Whether claims 26-28, 34-37, and 41-45 are anticipated by Masuda*

In order for a reference to anticipate an invention, each and every element of the claimed invention must be found in a single reference. "Moreover, it is incumbent upon the examiner to identify wherein each and every facet of the claimed invention is disclosed in the applied reference." Ex parte Levy, 17 USPQ2d 1461, 1462 (Bd Pat App & Inter 1990). Section 2131.01 of the MPEP further states the "identical invention must be shown in as complete detail as is contained in the ... claim. The elements must be arranged as required by the claim..." Applicant respectfully submits that Masuda does not anticipate Applicant's claimed invention because Masuda does not teach or disclose each and every element of the claimed invention.

Claims 26, 27, 28, 34, 35

Independent claim 26 recites, in relevant part, "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program." Nothing in Masuda teaches "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

The Examiner argues Masuda teaches a host computer system for running an application program in Figure 48. The teachings of Masuda include a scan or frequency conversion function and a brightness control function. The specification states the components in FIG. 48 that are the same as those shown in FIGS. 31 and 43 are assigned the same reference numbers in FIG. 48 (col. 38, lines 5-10). Thus, the external input means 3106 is, for example, an input device of a television video signal that reads a picture signal B inputted from the input terminal 3107 and sends it to the picture composition means 3103 (col. 32, lines 49-64). Picture data A is stored in ROM 3405. The picture data B is composed in the previous picture data A by the picture composition means 3103. The picture signal output from the picture composition means 3103 and a control signal passing through the interface 352 are supplied to the picture display means 350 from the picture signal output means 351. In the embodiment of FIG. 48, a specific area brightness conversion means integrated within the picture composition means 3103 changes the brightness levels of pictures A and B separately from each other (col. 38, lines 14-22). Masuda then states an actual constitution of the FIG. 48 embodiment is, for example, a computer body such as a personal computer or a work station and a monitor display device (col. 38, lines 23-26). Applicant submits, however, that nothing in this description or in the specification teaches running an application program on the personal computer or work station and "generating a window information signal *in response to* the application program."

The Examiner also argues Masuda teaches a host computer system for running an application program in the description located at column 36, lines 59-67. Lines 59-67 state:

In the drawing, a program of the CPU circuit 34 as well as the picture data A are stored in the ROM 3305 and the CPU circuit 34 performs processes such as setting of a composition area and execution of various operations

on the basis of this program. In this case, the CPU circuit 34 sets the brightness level of the composition portion by software operation and by doing this, the hardware configuration becomes simpler than that of the embodiment shown in FIG. 31.

Applicant respectfully submits this paragraph does not disclose or teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program". Lines 63-65 do state the CPU sets the brightness level of the composition portion by software operation. However, this is not the same as "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program." Masuda is not generating a signal in response to an application program. Instead, this section of Masuda teaches *setting* the brightness level "by software operation."

The Examiner argues the "control signal" shown in FIG. 48 teaches the claimed window control signal. However, Applicant submits the description of Figure 48 does not disclose how and why the control signal is generated. The description of the control signal is limited to "... a control signal passing through the interface 352 are supplied to the picture display means 350 from the picture signal output means 351." (see col. 38, lines 19-22). This brief description does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

Independent claim 26 further recites "a window generator device, for receiving said window control signal, and for generating a window information signal" and "a display control device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for

providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.” The Examiner argues Masuda teaches the window information signal in the timing signal key (Key) shown in Figure 52 and in lines 61-67 in column 39. Lines 61-67 state the following:

In FIG. 52, when composition position data is inputted from the input terminal 3254, it is supplied to the timing generator 355 together with a synchronizing signal of the picture signal Video1 and a dot clock signal and a timing signal key of the composition position of the picture B which is the same as the timing signal key shown in FIG. 51 is generated. The change-over switch 3115 *is controlled by this timing signal key.* (emphasis added)

Thus, the description of Figure 52 clearly states the timing signal key (Key) controls the change-over switch. The timing signal key is not received by a display control device that receives both a video signal and the window information signal and processes the video signal in response to the window information signal, as claimed in Applicant’s claim 26.

“Claims in dependent form shall be construed to incorporate by reference all the limitations of the claim incorporated by reference into the dependent claim.” 37 CFR 1.75. Therefore, claims 27, 28, 34, and 35 include all the limitations of claim 26. Since Masuda does not anticipate independent claim 26, Applicant respectfully submits claims 27, 28, 34, and 35 are also not anticipated by Masuda.

Claims 36, 37, 41, 42, 43, 44, 45

Independent claim 36 recites, in relevant part, “running an application program on a host computer” and “generating a window control signal in response to said application program.” Nothing in Masuda teaches “running an application program on

a host computer" and "generating a window control signal in response to said application program."

The Examiner argues Masuda teaches running an application program on a host computer system in Figure 48 and in the description located at column 36, lines 59-67. Lines 59-67 state:

In the drawing, a program of the CPU circuit 34 as well as the picture data A are stored in the ROM 3305 and the CPU circuit 34 performs processes such as setting of a composition area and execution of various operations on the basis of this program. In this case, the CPU circuit 34 sets the brightness level of the composition portion by software operation and by doing this, the hardware configuration becomes simpler than that of the embodiment shown in FIG. 31.

Applicant respectfully submits this paragraph does not disclose or teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program". Masuda is not generating a signal in response to an application program. Instead, this section of Masuda teaches *setting* the brightness level "by software operation."

Applicant notes that lines 23-26 in column 38 of Masuda state an actual constitution of the FIG. 48 embodiment is, for example, a personal computer or a work station and a monitor display device (col. 38, lines 23-26). Nothing found in the description, however, teaches running an application program on the personal computer or work station and "generating a window information signal *in response to* the application program."

The Examiner also argues the "control signal" shown in FIG. 48 teaches the claimed window control signal. However, Applicant submits the description of Figure 48 does not disclose how and why the control signal is generated. The description of the control signal is limited to "... a control signal passing through the interface 352 are supplied to the picture display means 350 from the picture signal output means 351." (see col. 38, lines 19-22). This brief description does not teach "a host computer system for running an application program" and "a processor device for automatically generating a window control signal in response to said application program."

Independent claim 36 further recites, in relevant part, "generating a window information signal in response to said window control signal", "providing a video signal and said window information signal to a display control device for processing said video signal in response to said window information signal", and "providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon." The Examiner argues Masuda teaches the window information signal in the timing signal key (Key) shown in Figure 52 and in lines 61-67 in column 39. Lines 61-67 state the following:

In FIG. 52, when composition position data is inputted from the input terminal 3254, it is supplied to the timing generator 355 together with a synchronizing signal of the picture signal Video1 and a dot clock signal and a timing signal key of the composition position of the picture B which is the same as the timing signal key shown in FIG. 51 is generated. The change-over switch 3115 is *controlled by this timing signal key.* (emphasis added)

Thus, the description of Figure 52 clearly states the timing signal key (Key) controls the change-over switch. The timing signal key is not received by a display control device that receives both a video signal and the window information signal and processes the

video signal in response to the window information signal, as claimed in Applicant's claim 36.

"Claims in dependent form shall be construed to incorporate by reference all the limitations of the claim incorporated by reference into the dependent claim." 37 CFR 1.75. Therefore, claims 37, 41, and 42 include all the limitations of claim 36 and claim 44 the limitations of claim 43. Since Masuda does not anticipate independent claims 36 and 43, Applicant respectfully submits claims 37, 41, 42, and 44 are also not anticipated by Masuda.

(2) Whether claims 29-33 and 38-40 are obvious in view of Masuda and Lagoni

The Manual of Patent Examining Procedure (MPEP) states the following in Section 2142:

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant submits that the combination of Masuda and Lagoni does not render Applicant's claimed invention obvious, since the combination of references does not meet any one of the three criteria.

The Examiner argues it would have been obvious to a person of ordinary skill in the art to provide Lagoni's BCL in the display device of Masuda in view of the teaching in the Lagoni reference. Applicant respectfully submits that there is no motivation to

combine the references to produced the claimed invention. First, the teachings in the references do not suggest or provide the motivation to combine the references. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP Section 2143.01 (emphasis original). The motivation or suggestion to combine references must be found in the prior art, not in Applicant's disclosure. And "the level of skill in the art cannot be relied upon to provide the suggestion to combine references." Id.

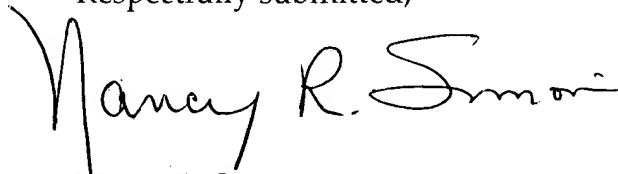
Secondly, the combination of references does not teach all of the claimed elements and limitations. Claims 29-33 depend from independent claim 26. Claims 38-40 depend from independent claim 36. Therefore, claims 29-33 include all of the limitations of claim 26 and claims 38-40 all of the limitations of claim 36.

Applicant notes its earlier arguments regarding Masuda also apply to this rejection. And Lagoni discloses a beam current limiting function for a picture-in-picture television system. Nothing in the combination of Masuda with Lagoni teaches or suggests "running an application program on a host computer", "generating a window control signal in response to the application program", "generating a window information signal in response to said window control signal", or "providing a video signal and said window information signal to a display control device for processing said video signal in response to said window information signal."

When an independent claim is not rendered obvious by prior art, then any claim depending from the independent claim is not obvious. In re Fine, 5 USPQ2d 1596 (Fed. Cir. 1988) (see also M.P.E.P. § 2143.03). Therefore, Applicant respectfully submits claims 29-33 and 38-40 are not obvious in view of the combination of Masuda with Lagoni.

In light of the arguments above, Applicant believes that all claims pending in the application are allowable and therefore requests a reversal of the final rejection of such claims.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy R. Simon". The signature is fluid and cursive, with the first name "Nancy" being the most prominent part.

Date: November 10, 2004

Nancy R. Simon
Attorney for Applicant
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CLAIMS APPENDIX

Claims 1-25 (Canceled)

Claim 26 (Previously presented): A system for generating a high-luminance window on a computer display device, comprising:

a host computer system for running an application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.

Claim 27 (Previously presented): The system of Claim 26 wherein said computer display device includes a cathode ray tube (CRT) device.

Claim 28 (Previously presented): The system of Claim 27 wherein said computer display device includes a high-voltage power supply (HVPS) for providing a high-voltage signal to an anode of said CRT device.

Claim 29 (Previously presented): The system of Claim 28 wherein said computer display device includes a limiter device coupled to said window generator device and to said HVPS, said limiter device for limiting beam current supplied to said CRT device by said HVPS.

Claim 30 (Previously presented): The system of Claim 29 wherein said limiter device is an automatic beam limiter (ABL) for sampling the current of said high-voltage signal to automatically determine when to limit said signal.

Claim 31 (Previously presented): The system of Claim 30 wherein said display control device includes a video amplifier and said ABL provides an analog window signal to said video amplifier.

Claim 32 (Previously presented): The system of Claim 31 wherein said ABL provides said analog window signal to control a gain control of said video amplifier.

Claim 33 (Previously presented): The system of Claim 29 wherein said display control device is a video amplifier and said window control signal includes position and size information for said high-luminance viewing window.

Claim 34 (Previously presented): The system of Claim 26 wherein information within said high-luminance viewing window is different from information outside said window.

Claim 35 (Previously presented): The system of Claim 26 wherein said host computer provides a horizontal synchronization (H Sync) signal and vertical synchronization (V Sync) signal.

Claim 36 (Previously presented): A method for generating a high-luminance viewing window on a computer display device, comprising:

running an application program on a host computer;

generating a window control signal in response to said application program;

generating a window information signal in response to said window control signal;

providing a video signal and said window information signal to a display control device for processing said video signal in response to said window information signal; and

providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.

Claim 37 (Previously presented): The method of Claim 36 comprising:

generating said video signal in response to said application program.

Claim 38 (Previously presented): The method of Claim 37 comprising:

generating a high-voltage signal and providing said high-voltage signal to an anode of a cathode ray tube (CRT) device; and

sampling the current of said high-voltage signal using an automatic beam limiter (ABL) device to determine when to limit beam current supplied to said CRT.

Claim 39 (Previously presented): The method of Claim 38 comprising providing an analog window signal from said ABL device to a video amplifier.

Claim 40 (Previously presented): The method of Claim 39 wherein providing said analog window signal to said video amplifier determines the gain of said video amplifier.

Claim 41 (Previously presented): The method of claim 36 wherein generating said high-luminance viewing window includes displaying information within said viewing window, derived from said video data signal, distinct from information displayed outside said viewing window.

Claim 42 (Previously presented): The method of Claim 36 further comprising generating a horizontal synchronization signal (H Sync) and a vertical synchronization signal (V Sync).

Claim 43 (Previously presented): A computer-readable medium containing instructions for performing steps comprising:

generating a window control signal in response to an application program, said window control signal including a video data signal;

generating a window information signal in response to said window control signal;

processing said video signal in response to said window information signal; and

providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.

Claim 44 (Previously presented): The computer-readable medium of Claim 43 wherein producing a high-luminance viewing window includes providing information, derived from said video data signal, for display within said window wherein said windowed information is distinct from information displayed outside said viewing area.

Claim 45 (Previously presented): A system for generating high-luminance viewing windows on a display device, comprising:

means for running an application program, said application program providing a video data signal;

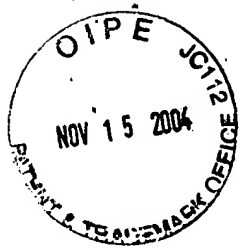
means for generating a window control signal in response to said application program;

means for generating a window information signal in response to said window control signal;

means for receiving a video signal and said window information signal and processing said video signal in response to said window information signal; and

means for applying a processed video signal to a computer display screen to generate said high-luminance windows.

RELATED PROCEEDINGS APPENDIX



757113
P2106

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD D. CAPPELS

Appeal No. 2002-1304
Application No. 08/900,964

ON BRIEF

MAILED

APR 15 2003

**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

Before KRASS, BARRETT and DIXON, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 26-45.

The invention pertains to the generation of high-luminance windows on a computer display device.

Representative independent claim 26 is reproduced as follows:

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26. A system for generating a high-luminance viewing window on a computer display device, comprising:

a host computer system for running an application program;

a processor device for automatically generating a window control signal in response to said application program;

a window generator device, for receiving said window control signal, and for generating a window information signal; and

a display control device included in said computer display device for receiving a video signal and said window information signal, for processing said video signal in response to said window information signal and for providing a processed video signal to a computer display screen to generate said high-luminance viewing window thereon.

The examiner relies on the following references:

Whitehead	4,733,229	Mar. 22, 1988
Lagoni	5,204,748	Apr. 20, 1993
McLaughlin et al. (McLaughlin)	5,570,108	Oct. 29, 1996

Claims 26-45 stand rejected under 35 U.S.C. 103. As evidence of obviousness, the examiner offers McLaughlin and Whitehead with regard to claims 26, 27, 34-37 and 41-45, adding Lagoni with regard to claims 28-33 and 38-40.

Reference is made to the brief and answer for the respective positions of appellant and the examiner.

OPINION

At the outset, although ignored by appellant and the examiner, we note that claims 43 and 44, directed to a "computer-readable medium," are awkward. While there is nothing intrinsically wrong with claiming such a computer-readable medium, it is a bit awkward to recite that the medium has instructions for performing steps, e.g., "using a display control device..." wherein such steps require a structure. In any event, we make no rejection based on this language, leaving it to appellant and the examiner to make sure that all claims particularly point out and distinctly claim applicant's invention.

With regard to the independent claims, the examiner applies McLaughlin for a teaching of generating a high-luminance viewing window 300 on a computer display 16 comprising a host computer system for running an application program (citing column 5, lines 15-18), a processor 11 for automatically generating a window control signal (citing column 14, line 37) on link 16E in response to the application program (citing column 14, lines 36-42 and column 15, lines 13-22), and a computer display device 16, wherein the computer display device comprises a window generator

device, identified as processor 16C in Figure 1, for receiving the window control signal and for generating a window information signal (citing column 5, lines 15-21), and a display control device (control circuitry 16D in Figure 1 and column 5, line 14) to control characteristics, such as size, position, brightness and contrast (column 3, lines 50-57), of the main window and the high-luminance window (column 15, lines 13-22). The examiner contends that these two windows have "two distinct informations" and both are displayed on a CRT display screen in response to window information from manual controls 16B or from the window generator 16C. The examiner further points to the display device 16 receiving a video signal from video board 20 under control of processor 11.

The examiner recognizes that McLaughlin does not explicitly disclose the control circuit 16D receiving the video signal and processing the received video signal in response to the window information signal in order to generate a high-luminance viewing window. However, the examiner turns to Whitehead for a teaching of highlighting an area of a CRT, identifying highlight selector 38 in Figure 2 of Whitehead as a window generator device. After discussing how Whitehead discloses various elements for receiving a window control signal generated by a highlight operator

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control, generation of a window information signal and a display control device, at page 4 of the answer, the examiner concludes that it would have been obvious to substitute Whitehead's window generator device and the control display device for the window generator device and the control display device of McLaughlin "because this would allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently, as taught by Whitehead (see abstract)" [answer-page 5].

We will reverse the examiner's rejections based on a lack of a showing of a prima facie case of obviousness with regard to the instant claimed subject matter.

Each independent claim specifically requires, in one form or another, a display control for receiving a video signal and a window information signal (which is generated from a window control signal provided by a processor responsive to an application program) and processing the video signal responsive to the window information signal in order to generate a high-luminance viewing window. Now, the examiner recognizes this deficiency in McLaughlin and so relies on Whitehead to provide this teaching. However, the examiner specifically identifies

highlight selector 38 of Whitehead as the "window generator device."

It is clear, from Whitehead, that highlight selector 38 selects a different look-up table in a transfer function memory 30 for the highlighted area and it may also intensify the image in that area (column 4, lines 28-31), but it does not, in any way, generate a window, as required by a "window generator device." Whitehead may highlight a portion of an image but does not generate its own distinct image via a "window generator device."

While no separate window is generated by Whitehead, one might say that highlight selector 38 of Whitehead could be considered a "window generator device," as claimed, since it does receive a window control signal (from highlight operator controls 15) and does generate a signal (see the outputs of highlight selector 38) which could, conceivably, be labeled "a window information signal." However, even if we interpret the highlight selector in this manner, this is only as far as the interpretation can go. For example, instant claim 26 further calls for the display control device to receive a video signal and the window information signal (which was generated from the window generator device previously) and to use that window

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information signal to process the video signal so that the processed video signal can be provided to the computer display screen to generate the high-luminance viewing window. The output of Whitehead's highlight selector 38, i.e., what the examiner has interpreted as the "window information signal," is not, in any way, used to process a video signal so as to generate a high-luminance viewing window, as claimed.

It is true that the examiner is employing McLaughlin as the reference teaching the claimed display control device 16 which receives the video signal from the video board 20. However, while McLaughlin indicates that the video board 20 drives display device 16 (column 5, lines 59-60), there is nothing therein indicating that the display device processes a video signal from the board, in response to a window information signal. Moreover, even though the examiner also points to Figure 6 of Whitehead for a teaching of a video signal, we find nothing in Whitehead indicating that this video signal, 84 in Figure 6, is processed in response to the "window information signal" output from highlight selector 38. In fact, when the Figure 6 embodiment is placed in the Figure 2 embodiment of Whitehead, it would appear that an input to the highlight selector 38 would initiate from the video signal, rather than the video signal and the "window

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information signal" being both input to a "display control device."

Thus, even if the references were combinable, and we are not convinced, from the examiner's rationale, that they are so combinable, or that the artisan would have sought to combine them in any manner for any purpose, it would appear to us that the combination would still not result in the instant claimed subject matter because no reasonable combination of these references would have resulted in the claimed system and method whereby a processor automatically generates a window control signal in response to an application program, a window information signal is generated from that window control signal, and that window information signal so generated is then used to process a video signal in order to generate a high-luminance viewing window.

Moreover, the examiner's rationale for making the combination, i.e., "because this would allow the operator adjusting the brightness and/or contrast of the selected highlight area and/or the background image independently, as taught by Whitehead (see abstract)" [answer-page 5], appears to be based on impermissible hindsight.

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It would appear that McLaughlin, alone, would teach the adjustment of brightness and/or contrast, of a selected highlighted window while leaving a background portion of a display at a lower brightness, or luminance. This is based on McLaughlin's teaching of enabling a user to vary display parameters such as brightness, or contrast, picture size or position (see abstract), including selection of a "maximum displayed intensity value..." Thus, the image in window 300 can have its parameters, e.g., luminance, varied to differ from that of the background portion of the screen. McLaughlin would also appear to run an application program and a processor wherein that processor needs to generate some type of control signal in order to establish, or generate, the window 300. However, it is not clear that McLaughlin, or the combination of McLaughlin and Whitehead, teaches or suggests the combination or interrelationship of the claimed signals wherein the application program causes a processor to automatically generate a window control signal, then that window control signal is used to generate a window information signal which, in turn, is used to process a video signal such that the processed video signal then causes a computer display screen to generate a high-luminance viewing window thereon.

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We have reviewed the abstract of Whitehead, which the examiner points to for the suggestion of adjusting brightness/contrast of a selected highlighted area and/or background image independently but this teaching appears to be directed to highlighting portions of an image so as to give better contrast, as in a medical image. It does not appear to be directed to highlighting only certain portions of a display "screen" and certainly does not add anything more to McLaughlin which already suggests, in our view, the adjustment of the luminance of a window independently of a background section.

While the examiner applies Lagoni in a rejection of certain dependent claims, since Lagoni does not provide for the deficiencies of the primary references regarding the independent claims, we also will not sustain the rejection of those claims to which McLaughlin, Whitehead and Lagoni are applied in combination.


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The examiner's decision rejecting claims 26-45 under 35 U.S.C. 103 is reversed.

REVERSED

ERROL A. KRASS
Administrative Patent Judge

Lee E. Barrett
LEE E. BARRETT
Administrative Patent Judge


JOSEPH L. DIXON
Administrative Patent Judge

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Appeal No. 2002-1304
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